

REMARKS

Claims 36-70 and 79-86 are all the claims pending in the application. Claims 38-41, 51, and 68-70 have been withdrawn from consideration.

Claims 79-86 are allowed.

Claims 36, 37, 42-46, 48-50, 52-55, 62, and 63 are rejected under 35 U.S.C. § 103(a) as being unpatentable over previously-cited Wilt et al. (US 5,737,122, hereafter “Wilt”) in view of previously-cited Roustaei (US 5,532,467). Claims 47, 56-61, and 64-67 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Wilt as modified by Roustaei as applied to claim 36 and further in view of previously-cited Wang et al. (US 5,521,366, hereafter “Wang”).

Applicant respectfully traverses the rejections as set forth below.

By the present Amendment, Applicant seeks to amend claims 36 and 37 to recite that the first illumination configuration is defined by activating a first group of light sources, the second illumination configuration is defined by activating a second group of light sources, and the second group comprises at least one light source which is activated in the first group and at least one additional light source which is not activated in the first group. Applicant submits that the prior art fails to teach or suggest these limitations of the claims.

The examiner states that Wilt suggests that different groups of light sources are activated to define different illumination configurations to recognize soft and hard marks, respectively. However, Wilt does not teach nor fairly suggest that the different Illumination configurations to recognize soft and hard marks, respectively, are defined by activating respective groups of light sources having at least one light source which is activated in both the first and second illumination configurations (i.e. for recognizing either soft and hard marks) and at least one

additional light source which is activated only in the second illumination configuration (for example only for recognizing hard marks). Indeed, none of LEDs 118 of Wilt, which are identified by the Examiner as "the first array of light sources" and which are activated in a first illumination configuration, that is when recognizing soft marks, is activated simultaneously with the light sources 120, which are identified by the Examiner as "the second array of light sources" and which are activated in a second illumination configuration, that is when recognizing hard marks on a lightly colored background (see column 6, line 46 to column 7, line 13). In other words, although Wilt suggests that a first group of light source is activated to define a first illumination configuration and a second group of light source is activated to define a second illumination configuration, Wilt does not teach nor fairly suggest that the second group of light sources comprises at least one light source which is activated in the first illumination configuration and at least one additional light source, which is not activated in the first illumination configuration.

On the other hand, an artisan skilled in the art when facing to Wilt would have realized that it would not have been advisable to activate some light sources of the first array (i.e., those provided for recognizing soft marks) together with some light sources of the second array (i.e., those provided for recognizing hard marks), because by doing so he would have risked to over-illuminate or under-illuminate the marks to be recognized. Thus, the artisan in the art would have clearly been taught away from the invention as now claimed in claims 36 and 37.

Furthermore, Wilt clearly discloses that when the the lamps 120 are activated for recognizing the hard marks the wafer must not be directly illuminated by the other light sources, because this would prevent recognition of the hard marks (see column 2, line 64 to column 3,

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line 17). Conversely, the invention as now claimed in claims 36 and 37 teaches to activate at least one light source of the first group of light sources with at least one light source of the second group of light sources. Thus, again, Wilt would have clearly taught away from the invention as now claimed.

Also, Applicant submits that the features of amended claims 36 and 37 are not disclosed in, nor fairly suggested by, Roustaei. The Examiner has clearly stated that Roustaei "has been brought in the rejection just for the limitations not taught by Wilt (i.e., the first and the second illuminating configurations are for illuminating an optical code placed within a first distance range and a second distance range that differs from the first distance range, respectively) (see page 9, paragraph 10 of the current Office Action). Indeed, Roustaei suggests to read optical codes placed at different distances by only modulating the intensity of light of all the light sources. No teaching or suggestion can be found throughout Roustaei to provide for at least two different group of light sources for respective different illumination configurations wherein the second group of light sources comprises at least one light source which is activated in the first illumination configuration and at least one additional light source which is not activated in the first illumination configuration.

In view of the above, Applicant submits that the invention as now claimed in claims 36 and 37 is novel and non-obvious also over Roustaei when taken alone and/or in combination with Wilt.

Therefore, claims 36 and 37 as now proposed, as well as their respective dependent claims 42-46, 48-50, 52-55, and 62-63, should be allowed.

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Furthermore, since Wang fails to make up for the above-noted deficiencies of Wilt and Roustaei, claims 47, 56-61, and 64-67 are allowable over the prior art.

With respect to allowed claims 79-86, Applicant herein seeks to amend claims 79-83. Claims 79-86 were filed on March 5, 2003 in substitution of claims 71-78 filed on October 9, 2001. In the Office Action dated January 29, 2002, claims 71-78 were considered allowable if rewritten in independent form including all of the limitations of the base claims and any intervening claims. However, when the claims were rewritten in independent form, additional limitations beyond those which were included in the claims at that time were inadvertently included in the amended claims. By the present Amendment, Applicant seeks to correct the recitation of claims 79-83 to include only the intended limitations of the claims. With regard to claim 80, this claim should have been drafted as corresponding to formerly dependent claim 72.

In view of the above, Applicant proposes to substitute the current set of allowed claim 79-86 with the amended set of claims 79-86 herewith enclosed. In this amended set of claims, the independent claims 79, 81-83 have been amended by properly incorporating the version of claim 36 or 37 filed on May 10, 2001 and claim 80 has been rewritten in order to properly recite the features previously recited in claim 72.

Applicant believes that the amended set of claims 79-86 should be allowed as corresponding to claims 71-78 which have been already considered allowable in a previous Office Action.

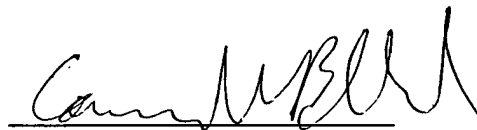
In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the

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Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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